

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	ED CV 13-1985-GAF (SP)	Date	June 30, 2014
Title	HALBERT DEAN SARPY v. CAROLYN W. COLVIN, Acting Commissioner of Social Security Administration		

Present: The Honorable Sheri Pym, United States Magistrate Judge		
Kimberly Carter	n/a	n/a
Deputy Clerk	Court Reporter / Recorder	Tape No.
Attorneys Present for Plaintiff:	Attorneys Present for Defendant:	
n/a	n/a	

Proceedings: (In Chambers) Order to Show Cause Why Case Should Not Be Dismissed for Failure to Effect Service and Prosecute

On November 8, 2013, plaintiff used a civil rights complaint form to file a complaint against Administrative Law Judge Margaret M. Craig of the Social Security Administration, claiming that she denied plaintiff social security benefits in violation of his constitutional rights. Thus, it appears that the complaint is actually a Complaint for Review of Final Decision of the Commissioner of Social Security pursuant to 42 U.S.C. § 405(g), and the court treats it as such.

On November 11, 2013, the court issued its Case Management Order in this matter. The Case Management Order advised plaintiff that the summons and complaint must be served on defendant in accordance with Federal Rule of Civil Procedure 4(i), that is, within 120 days after the filing of the complaint, i.e., on or before March 8, 2014. The court further ordered that plaintiff must file proof of such service not later than March 17, 2014. The court warned plaintiff that failure to comply with this requirement may result in the dismissal of this case.

Plaintiff failed to file a proof of service pursuant to the court's Case Management Order and on April 7, 2014, the court issued an Order to Show Cause Why Case Should Not Be Dismissed for Failure to Effect Service and Prosecute. The court ordered plaintiff to show cause in writing by April 28, 2014 why this case should not be dismissed without prejudice for plaintiff's failure to prosecute and serve defendant within the required time period.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	ED CV 13-1985-GAF (SP)	Date	June 30, 2014
Title	HALBERT DEAN SARPY v. CAROLYN W. COLVIN, Acting Commissioner of Social Security Administration		

On April 21, 2014, plaintiff responded to the Order to Show Cause by filing a Motion in which he effectively sought an extension of time to serve the complaint and other assistance (docket no. 8). In light of plaintiff's Motion, the court discharged the Order to Show Cause and granted plaintiff a 90-day extension of time, to June 6, 2014, to complete service of the summons and complaint and ordered plaintiff to file proof of service no later than June 13, 2014. The court warned plaintiff that failure to effectuate service by June 6, 2014 could result in dismissal of this action for failure to prosecute.

More than two weeks have passed since the extended proof of service deadline, and plaintiff has yet to file a proof of service with the court. Nor has plaintiff requested an additional extension of time to do so. It therefore appears that plaintiff has violated the court's order and is not properly prosecuting this action.

Nevertheless, the court will give plaintiff one more chance. Accordingly, plaintiff is ORDERED to show cause in writing by July 15, 2014 why this case should not be dismissed without prejudice for plaintiff's failure to prosecute and serve defendant within the required time period, as directed in the Case Management Order and the April 28, 2014 Order Discharging Order to Show Cause. Plaintiff may discharge this Order to Show Cause by filing, not later than July 25, 2014, proof of service of the summons and complaint.

The court warns plaintiff that failure to respond to this Order to Show Cause by July 15, 2014, or further failure to prosecute this action in accordance with the Case Management Order and other court orders, will result in dismissal of this action for failure to prosecute.